



U.S. Depa

United Sta
Southern L86 Chambers St
New York, New

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/20/2023

December 19, 2023

VIA ECF

The Honorable Katherine H. Parker
 United States Magistrate Judge
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl St.
 New York, NY 10007

Re: *M.Q. v. United States of America*, 22 Civ. 10680 (ALC) (KHP)

Dear Judge Parker:

I represent the United States of America (the “Government”) in the above-captioned action brought pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 2671 *et seq.* I write respectfully, on behalf of all parties, to request that the Court lift the stay on discovery in this case for the limited purpose of allowing the Government to issue subpoenas to obtain Plaintiff’s medical records.

On November 29, 2023, Plaintiff requested that the Court stay of discovery in this case until April 15, 2024, to which the Government consented. (ECF No. 103). The stay was requested to permit ICE to adjudicate Plaintiff’s second FTCA administrative complaint relating to her detention at the Orange County Correctional Facility. (*See id.*) On November 30, 2023, the Court granted the Plaintiff’s request and stayed discovery until April 15, 2024. (ECF No. 104).

Prior to requesting the stay of discovery, the parties had discussed issuing subpoenas to the Rensselaer County Correctional Facility (“RCCF”) and RCCF’s contract medical provider, Wellpath, to ensure that the parties had all medical records from Plaintiff’s detention at RCCF.¹ On December 15, 2023, Plaintiff sent the Government HIPAA authorizations concerning such medical records. Accordingly, the parties believe it is in their best interest to issue those subpoenas at the present time, despite the stay of discovery, because ensuring that the parties have Plaintiff’s full set of medical records from her detention at RCCF will advance the parties understanding of the case and expedite discovery once the stay is lifted.

The parties appreciate the Court’s consideration of this request.

¹ The Government had produced all of the Plaintiff’s medical records that ICE has within its possession, custody, and control, along with its initial disclosures. However, the parties believe it is possible that RCCF and/or Wellpath may have additional medical records that were not provided to ICE.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Tara Schwartz
TARA SCHWARTZ
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, NY 10007
Tel.: (212) 637-2633
Email: tara.schwartz@usdoj.gov

cc: Plaintiff (via ECF)

APPLICATION GRANTED. Notwithstanding the stay on discovery in this matter, the Government may issue subpoenas to obtain Plaintiff's medical records. Additionally, to the extent the parties mutually agree to conduct additional limited discovery during the pendency of the stay, they may do so without writing to the Court.

SO ORDERED:

Katharine H. Parker
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 12/20/2023